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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

CRÉDIT AGRICOLE CORPORATE AND  
INVESTMENT BANK d/b/a CRÉDIT  
AGRICOLE PRIVATE BANKING MIAMI,  
f/k/a CALYON S.A. d/b/a CRÉDIT  
AGRICOLE MIAMI PRIVATE BANK

Adv. Pro. No. 12-01670 (CGM)

SUCCESSOR IN INTEREST TO CREDIT  
LYONNAIS S.A.,

Defendant.

**DECLARATION OF MATTHEW B. LUNN IN  
SUPPORT OF TRUSTEE'S MEMORANDUM OF LAW  
IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

I, Matthew B. Lunn, declare the following:

1. I am a member of the New York bar and a partner with the law firm of Young Conaway Stargatt & Taylor, LLP, counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investors Protection Act, 15 U.S.C. §§ 78aaa-III, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee's contemporaneously filed Memorandum of Law in Opposition to Defendant Credit Agricole Corporate and Investment Bank d/b/a Credit Agricole Private Banking Miami, f/k/a Calyon S.A. d/b/a Credit Agricole Miami Private Bank successor in interest to Credit Lyonnais S.A. ("CA Miami")'s Motion to Dismiss, ECF No. 62, and the corresponding Memorandum of Law, ECF No. 64.

3. Although several documents attached to this Declaration are stamped confidential, the Trustee's records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011, ECF No. 4137; Sept. 17, 2013, ECF No. 5474). In addition, all personal identifying information has been redacted.

4. Attached as Exhibit 1 is a true and correct copy of an executed, undated CA Miami Subscription Agreement, submitted to Fairfield Sentry Limited ("Fairfield Sentry")

through CA Miami's agent, Brown Brothers Harriman & Co. ("BBH") [ANWAR-CFSE-00192713–ANWAR-CFSE-00192729].

5. Attached as Exhibit 2 is a true and correct copy of Fairfield Sentry's Private Placement Memorandum, dated August 14, 2006 [SECSEV0871949–SECSEV0872009].

6. Attached as Exhibit 3 is a true and correct copy of a letter from Philip Antonio of BBH to Fairfield Sentry, dated November 7, 2007 [CFSE-00192709].

7. Attached as Exhibit 4 is a true and correct copy of the Trustee's Proffered Allegations Pertaining to the Extraterritoriality Issue as to the Credit Agricole Defendants in the matter styled *Picard v. Credit Agricole (Suisse) S.A., et al. (In re BLMIS)*, Adv. Pro. No. 12-01022 (CGM) (Bankr. S.D.N.Y. 2012), ECF No. 81.

8. Attached as Exhibit 5 is a true and correct copy of the Clients Information Manual, prepared by Carla Castillo of FGG, dated January 2007 [FG-08720237–FG-08720269].

9. Attached as Exhibit 6 is a true and correct copy of email correspondence between Carla Castillo of FGG and Marco Aurelio of CA Miami, dated February 6, 2006 [SECSEV1704901–SECSEV1704902].

10. Attached as Exhibit 7 is a true and correct copy of email correspondence between Emily Rodriguez of CA Miami and representatives of FGG, dated December 15, 2008 [SECSEV3003447–SECSEV3003448].

11. Attached as Exhibit 8 is a true and correct copy of email correspondence between Carla Castillo of FGG and representatives of CA Miami, dated February 6, 2006, responding to the email correspondence found in Exhibit 6 [FG-05574342–FG-05574345].

12. Attached as Exhibit 9 is a true and correct copy of email correspondence between Fabiola Peñaloza of CA Miami and Carla Castillo of FGG, dated January 10, 2007 [FG-

00660918–FG-00660919].

13. Attached as Exhibit 10 is a true and correct copy of email correspondence between Eduardo Beregovich of CA Miami and Carla Castillo of FGG, dated September 16, 2055 [ANWAR-C-ESI-00675945–ANWAR-C-ESI-00675947].

14. Attached as Exhibit 11 is a true and correct copy of an executed, undated CA Miami Short Form Subscription Agreement with Fairfield Sentry, submitted through its agent BBH [ANWAR-C-ESI-00093820–ANWAR-C-ESI-00093821].

15. Attached as Exhibit 12 is a true and correct copy of Credit Agricole Corporate & Investment Bank’s United States Patriot Act Certification, dated April 27, 2015.

16. Attached as Exhibit 13 is a true and correct copy of Credit Agricole Corporate & Investment Bank’s United States Patriot Act Certification, dated May 2, 2019.

17. Attached as Exhibit 14 is a true and correct copy of Credit Agricole Corporate & Investment Bank’s United States Patriot Act Certification, dated May 4, 2020.

18. Attached as Exhibit 15 is a true and correct copy of Credit Agricole Corporate & Investment Bank’s United States Patriot Act Certification, dated March 22, 2022.

19. Attached as Exhibit 16 is a true and correct copy of Calyon S.A.’s application by a foreign corporation for authorization to transact business in Florida, dated January 23, 2007.

20. Attached as Exhibit 17 is a true and correct copy of Credit Agricole Corporate and Investment Bank’s application to withdraw authority to transact business in Florida, dated May 9, 2022.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: September 30, 2022  
New York, New York

By: /s/ Matthew B. Lunn  
Matthew B. Lunn